

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

THE KNOWLTON AND McLEARY COMPANY
FARMINGTON, MAINE
1973

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature

1973

after such notice, or the due date of such premium remittance under the mass marketing plan or pursuant to regulations set forth by the commissioner.

3. Upon the termination of employment or membership or upon the discontinuance of the mass marketing plan, such insured member or employee may maintain his policy in force, in the same amount, upon payment of the premium applicable to the class of risk to which he belongs, on an individual basis.

4. Any notice of cancellation or nonrenewal of any policy of any employee or member insured under a mass marketing plan shall be accompanied by a notice to the employee or member that, at his request, the insurer will afford the employer, association, organization or other group a reasonable opportunity to consult with the insured and to present facts in opposition to cancellation or nonrenewal.

§ 2920. Applicability

This chapter shall be applicable only to insurance policies issued or renewed in this State after November 1, 1973 and is in addition to, and not in substitution for, other applicable requirements of the Maine Insurance Code and department regulations.

Effective October 3, 1973

CHAPTER 440

AN ACT Relating to Qualifying Foreign Corporations to do Business in Maine.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 13-A, § 1201, sub-§§ 1 and 2, amended. Subsections 1 and 2 of section 1201 of Title 13-A of the Revised Statutes, as enacted by section 1 of chapter 439 of the public laws of 1971, are amended to read as follows:

1. ~~Except as provided in section 1215, no~~ No foreign corporation shall do business in this State until it shall have been authorized to do so as provided in this chapter ~~or as provided by some other public law of this State.~~ A foreign corporation shall not be denied authority to do business in this State solely because the laws of the jurisdiction of its incorporation differ from the laws of this State with respect to the organization and internal affairs of the corporation.

2. Whenever there is a public law of this State setting forth a procedure for the authorization to do business of a special class of foreign corporations, a foreign corporation seeking authority to engage in any business included within any such special class shall comply with the procedures set out in such public law, ~~rather than~~ in addition to complying with this chapter; and no foreign corporation authorized to do business under this chapter may engage in any business included within any such special class until it shall secure a license, permit or proper authorization to do business under the law governing such special class.

Sec. 2. R. S., T. 13-A, § 1215, sub-§ 2, repealed. Subsection 2 of section 1215 of Title 13-A of the Revised Statutes, as enacted by section 1 of chapter 439 and as amended by section 20 of chapter 565, both of the public laws of 1971, is repealed.

Sec. 3. R. S., T. 13-A, § 1301, sub-§ 6, amended. Subsection 6 of section 1301 of Title 13-A of the Revised Statutes, as enacted by section 1 of chapter 439 of the public laws of 1971, is amended to read as follows:

6. The requirement of subsection 1 shall not apply to religious, charitable, educational or benevolent corporations, nor to corporations organized under Title 13, chapter 81, nor to corporations organized under Title 27, chapter 7 ~~nor to corporations which are liable to a franchise tax other than the tax provided for in Title 36, section 2401.~~

Effective October 3, 1973

CHAPTER 441

AN ACT Relating to Lack of Privity as a Defense in Action Against Manufacturer, Seller or Supplier of Goods.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 11, § 2-318, repealed and replaced. Section 2-318 of Title 11 of the Revised Statutes, as repealed and replaced by section 1 of chapter 327 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 2-318. When lack of privity no defense in action against manufacturer, seller or supplier of goods

Lack of privity between plaintiff and defendant shall be no defense in any action brought against the manufacturer, seller or supplier of goods for breach of warranty, express or implied, although the plaintiff did not purchase the goods from the defendant, if the plaintiff was a person whom the manufacturer, seller or supplier might reasonably have expected to use, consume or be affected by the goods.

Sec. 2. R. S., T. 14, § 161, repealed and replaced. Section 161 of Title 14 of the Revised Statutes, as enacted by section 2 of chapter 327 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 161. When lack of privity no defense in action against manufacturer, seller or supplier of goods

Lack of privity between plaintiff and defendant shall be no defense in any action brought against the manufacturer, seller or supplier of goods under Title 11, section 2-318-A or for negligence, although the plaintiff did not purchase the goods from the defendant, if the plaintiff was a person whom the manufacturer, seller or supplier might reasonably have expected to use, consume or be affected by the goods.